

Application No. 09/836,691
Amendment dated May 16, 2005
Reply to Office Action of February 17, 2005

REMARKS

Status Of Application

Claims 1-30 and 33-42 are pending in the application; the status of the claims is as follows:

Claims 1-7, 17-22, 28, 29, and 34-41 are allowed.

Claims 8-16, 23-26, 30, and 33 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 8-16, 23-26, 30, and 33 are rejected under 35 U.S.C. § 101 because the invention as claimed is directed to a non-statutory subject matter.

Claim 27 is objected to as depending from rejected claim 26.

Examiner Interview

Applicants' representative thanks the Examiner for the telephone interview conducted on March 17, 2005. Applicant's representative discussed the §101 rejection with the Examiner. The Examiner indicated that the §101 rejection is related to the §112 rejection.

Claim Amendments

Claims 8-10 have been amended to more clearly specify the invention. Specifically, "second estimated price" has been amended to "third estimated price" to distinguish from the term "second estimated price" used in claim 1.

Claims 11-15, 23-26 and 33 have been amended to positively recite inherent steps.

Claim 19 has been amended to add a period at the end of the claim.

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Claim 30 has been amended to more clearly specify the invention.

These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

Allowable Subject Matter

The allowance of claims 1-7, 17-22, 28, 29, and 34-41, by the Examiner, is noted with appreciation.

35 U.S.C. § 112 Rejections

The rejection of claims 8-16, 23-26, 30, and 33 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, is respectfully traversed based on the following.

Claims 8-10 have been amended to clarify that the "second estimated price" recited therein is distinct from the "second estimated price" recited in claim 1; specifically, the term "second estimated price" in claims 8-10 has been amended to "third estimated price." Thus, claims 8-10 particularly point out and distinctly claim the invention.

Claims 11 and 23 have been amended to positively recite the step of receiving a selection of printers from the buyer. Thus, claims 11 and 23 clearly describe that the selection of the printers is received from the buyer.

Claims 12 and 24 have been amended to positively recite the step of receiving the attribute desired from the buyer. Thus, claims 12 and 24 provide a clear and definite connection between the step of selecting the printers and the attribute received.

Claim 13 has been amended to positively recite the steps of receiving the geographic locations of the buyer and the printers. Thus, claim 13 provide a clear and

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definite connection between the step of selecting the printers and the geographical locations received.

Claims 14 and 26 have been amended to positively recite the step of receiving information relating to a qualitative factor. Thus, claims 14 and 26 provide a clear and definite connection between the step of prequalifying and the qualitative factor received.

Claim 15 has been amended to positively recite the step of prequalifying the first and second printers based on the qualitative factors. Thus, claims 11 and 23 clearly describe the step of prequalifying the first and second printers.

Claim 25 has been amended to positively recite the step of receiving information relating to the printer's capabilities. Thus, claim 25 provides a clear and definite connection between the steps of determining and calculating and the capability information received.

Claim 30 has been amended to clarify that the buyer may pay the designated vendor directly for the raw material when the raw material is purchased from the designated vendor.

Claim 33 has been amended to positively recite the steps of receiving pricing information, generating a pricing model based on the pricing information, receiving specifications for a print job, and receiving an invoice price for the print job. Thus, claim 33 provides a clear and definite connection between the steps of receiving pricing information, generating a pricing model and receiving an invoice price determining and the other steps of the claim.

Applicants submit that claims 8-15, 23-26, 30, and 33, as amended, provide a clear and definite connection between the recited limitations of the claims.

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Claim 16 depends from amended claim 15 and likewise provides a clear and definite connection between the recited limitations.

Accordingly, it is respectfully requested that the rejection of claims 8-16, 23-26, 30, and 33 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, be reconsidered and withdrawn.

35 U.S.C. § 101 Rejections

The rejection of claims 8-16, 23-26, 30, and 33 under 35 U.S.C. § 101 because the invention as claimed is directed to a non-statutory subject matter is respectfully traversed based on the following.

Claims 8-15, 23-26, 30, and 33 have been amended as discussed above. It is believed that the claim amendments presented above overcomes the rejection under 35 U.S.C. §101. Claim 16 depends from amended claim 15. It is believed that claim 15 likewise overcomes the rejection under 35 U.S.C. §101.

Accordingly, it is respectfully requested that the rejection of claims 8-16, 23-26, 30, and 33 under 35 U.S.C. § 101 because the invention as claimed is directed to a non-statutory subject matter, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims.

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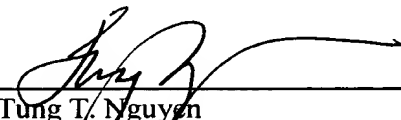
Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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May 16, 2005